

**TERMS AND CONDITIONS OF
SERVICE OF STATE CHIEF
COMMISSIONER FOR RIGHT
TO SERVICE**

GOVERNMENT OF MAHARASHTRA
General Administration Department
Government Resolution No. RTS 2017/CR-51/18(O&M)
Mantralaya; Mumbai - 400 032.
Dated : - 19th July, 2017

Read: - 1) Maharashtra Right to Public Services Act, 2015,
2) Government Resolution, General Administrative Department, No. SIC-2006 / 1322 / C.R. 04 / 07 / 5, dated 7th September, 2007,
3) Government Resolution, General Administrative Department, No. Ramaaa-2009 / 882 / C.R. 352 / 09 / Six, dated 4th March, 2010,
4) Government Resolution, General Administrative Department, No. Ramaaa-2010 / 539 / C.R. 239 / 10 / Six, dated 8th February, 2011,

INTRODUCTION:

Maharashtra Right to Public Services Act, 2015 has come into force in the State since 21st August, 2015. As provided under section 13 of the Act, Government has now constituted the Maharashtra State Right to Service Commission vide General Administration Department, Government Notification No. RTS. 2016 / C. R. 124 (1) / 18 (O&M), dated 30st July, 2016 and thereafter has appointed the State Chief Commissioner for Right to Service vide General Administration Department, Government Notification No. RTS. 2017 / C. R. 35 / 18 (O&M), dated 28th February, 2017 as provided under section 14 of the Act. Therefore it is necessary to sanction the terms and conditions of Service of the State Chief Commissioner for Right to Service.

GOVERNMENT RESOLUTION:

In view of the provisions under section 14 of the Maharashtra Right to Public Services Act, 2015, the Government is hereby pleased to sanction the terms and conditions of Service of the State Chief Commissioner for Right to Service as follows:

(1) Tenure:-

The State Chief Commissioner for Right to Service shall hold office for a term of five years from the date on which he enters upon the office or until attains the age of sixty-five years, whichever is earlier, and shall not be entitled for reappointment. (Section 14(1) of the Act).

(2) Status:-

The status of the State Chief Commissioner for Right to Service shall be the same as that of State Chief Information Commissioner as provided under section 14 (4) of the Act, which is the same as that of Election Commissioner of India.

(3) Pay:-

The State Chief Commissioner for Right to Service shall draw a pay of Rs.2,50,000/- (Rupees two lakh fifty thousand only) per month (fixed). In case the State Chief Commissioner for Right to Service at the time of appointment is in receipt of pension other than a disability or wound pension, in respect of any previous service under the State Government or Government of India, the pay of the State Chief Commissioner for Right to Service will be Rs.2,50,000/- minus the amount of pension, including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity. (Section 14(4) of the Act)

(4) Sumptuary Allowance:-

A monthly sumptuary allowance of Rs. 15,000/- (Rupees fifteen thousand only) shall be admissible to the State Chief Commissioner for Right to Service.

(5) Provident Fund :-

The State Chief Commissioner for Right to Service shall be entitled to subscribe to the General Provident Fund (All India Services).

(6) Leave:-

A person who, immediately before the date of assuming office as the State Chief Commissioner for Right to Service, was in service of Government may be granted during his tenure of office but not thereafter, leave in accordance with the rules for the time being applicable to service to which he belonged before such date and he shall be entitled to carry forward the amount of leave standing at his credit on such date.

Any other person who is appointed as State Chief Commissioner for Right to Service may be granted leave in accordance with such rules as are applicable to a member of the All India Services.

The power to grant or refuse leave to the State Chief Commissioner for Right to Service and to revoke or curtail leave granted to him shall vest in the Governor of Maharashtra.

The State Chief Commissioner for Right to Service on his demitting office except by resignation, shall be entitled to claim encashment of earned leave in respect of the earned leave at his credit, subject to the maximum period prescribed for encashment of such leave under the All India Services (Leave) Rules, 1955 as amended from time to time.

In case he demits office by resignation, he will be entitled to encashment of leave at his credit on the date of cessation of service to the extent of half of such leave at his credit, subject to half of the maximum period allowed for encashment as above.

Provided that the encashment of earned leave, if any, already availed of before joining the Commission and the period of earned leave being encashed in the Commission together shall in no case exceed the maximum period as stipulated under the All India Services (Leave) Rules, 1955.

(7) Accommodation:-

The State Chief Commissioner for Right to Service shall be entitled without payment of rent to the use of an official residence in accordance with the rules prescribed for State Chief Information Commissioner. He will be entitled to free furnishing including electrical appliances in his official residence, the value of which will not exceed Rs. 2 lakh. He will also be entitled without payment of rent to the use of furnished residence throughout the term of his office and for a period of one month immediately thereafter and no charge shall fall on him personally in respect of the maintenance of such residence. For this purpose, residence includes the staff quarters and other buildings appurtenant thereto and the garden thereof. Maintenance in relation to a residence includes the payment of local taxes and charges for electricity and water. When, for any reason, the State Chief Commissioner for Right to Service does not avail himself of the use of an official residence, he may be paid every month an allowance equivalent to an amount of 30% of his pay as house rent allowance in lieu of rent-free official residence. In such case, the residence of the State Chief Commissioner for Right to Service will be treated as official residence and all other facilities described above will be provided.

(8) Medical facilities :-

The State Chief Commissioner for Right to Service and dependent members of his family shall be entitled to such facilities for medical treatment and for accommodation in hospitals as prescribed for the State Chief Information Commissioner from time to time. For such facilities, provisions of the All India Services (Medical attendance) Rules, 1954 shall also apply to the State Chief Commissioner for Right to Service as they apply to a member of Indian Administrative Service.

Provided that the expense on such medical treatment shall be reimbursed on prescription of government doctors / hospitals or recognized private practitioners / private hospitals.

(9) Conveyance facilities:-

The State Chief Commissioner for Right to Service shall be entitled to a staff car and 200 litres fuel per month or the actual consumption of fuel, whichever is less.

(10) Travelling Allowance / Leave Travel :-

As per **Section 14(4)** of the Act, the State Chief Commissioner for Right to Service shall be entitled to Travelling Allowance /Leave Travel Concession as

applicable to the State Chief Information Commissioner.

That is, the State Chief Commissioner for Right to Service shall be entitled to Travelling Allowance / Leave Travel Concession as applicable to the Election Commissioner who is entitled to Travelling Allowance (Tour) and Travelling Allowance (Transfer / Retirement) as per the provisions contained in the Supreme Court Judges (Travelling Allowance) Rules, 1959.

As admissible to the State Chief Information Commissioner, the State Chief Commissioner for Right to Service will also be entitled to Leave Travel Concession for self, spouse and dependent family members for visiting any place in India including home town during leave thrice a year in accordance with rules applicable in this behalf to a member of the Indian Administrative Service holding the rank of Secretary to Government of India.

(11) Pension:- No pensionary benefits or other post-retirement benefit shall accrue from the post of the State Chief Commissioner for Right to Service. Also the salary, allowances and other conditions of service of the State Chief Commissioner shall not be varied to his disadvantage after his appointment.

(12) Administrative and other residuary matters:-

Administrative matters relating to terms and conditions of service of the State Chief Commissioner for Right to Service with respect to which no express provision has been made herein, shall be as applicable as to the State Chief Information Commissioner. **(As per section 14(4) of Maharashtra Right to Public Services Act, 2015).**

This Government Resolution is issued with the concurrence of Finance Department vide its Unofficial Reference No. 166 / 17 / Seva-3, dated 06.04.2017, Unofficial Reference No. 194 / Viniyam, dt. 18.04.2017, Unofficial Reference No. 120 / Seva-9, dt. 25.04.2017 and Unofficial Reference No. 46 / 17 / Seva-5, dt. 28.04.2017.

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201707191743506207. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

(Dr.Bhagwan Sahai)

Additional Chief Secretary to Government

To,

State Chief Commissioner for Right to Service
Office of the State Chief Commissioner for Right to Service, Mumbai.

C.C. to

Accountant General (Acctt. & Entitlement) Maharashtra-1 Mumbai

Accountant General (Acctt. & Entitlement) Maharashtra-2 Nagpur

Accountant General (Audit) Maharashtra-1 Mumbai

Accountant General (Audit) Maharashtra-2 Nagpur

Pay and Account Officer, Mumbai

Resident Audit Officer, Mumbai

Finance Department, Mantralaya, Mumbai

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